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NOTICE OF ALLOWANCE AND FEE(S) DUE

25908

7590

07/29/2010

NOVOZYMES NORTH AMERICA, INC. 500 FIFTH AVENUE SUITE 1600 NEW YORK, NY 10110 EXAMINER

MOORE, WILLIAM W

ART UNIT PAPER NUMBER

1656

DATE MAILED: 07/29/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,554	04/03/2006	Leonardo De Maria	10508,204-US	9304

TITLE OF INVENTION: PROTEASE VARIANTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	10/29/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

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									(Signature)
									(Date)
APPLICATION NO.	FILING DATE		FIRST NAMED INVENT	ГOR	P	ATTOF	RNEY DOCKET NO.	CONF	IRMATION NO.
10/574,554	04/03/2006	•	Leonardo De Maria	a	•	1	0508.204-US		9304
ITLE OF INVENTION	: PROTEASE VARIAN	TS						_	
APPLN, TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE D	UE	PREV. PAID ISSUE	FEE	TOTAL FEE(S) DUE		DATE DUE
nonprovisional	NO	\$1510	\$300		\$0		\$1810		10/29/2010
EXAM	EXAMINER ART UNIT		CLASS-SUBCLASS						
MOORE, W	ILLIAM W	1656	435-220000						
Change of correspondence address or indication of "Fee Address" (37 FR 1.363). Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.			(1) the names of up or agents OR, altern (2) the name of a sregistered attorney 2 registered patent	rinting on the patent front page, list names of up to 3 registered patent attorneys ts OR, alternatively, name of a single firm (having as a member a ed attorney or agent) and the names of up to ered patent attorneys or agents. If no name is no name will be printed.					
PLEASE NOTE: Uni recordation as set forti (A) NAME OF ASSIG	less an assignee is ident h in 37 CFR 3.11. Comp GNEE	A TO BE PRINTED ON The field below, no assignee eletion of this form is NO	data will appear on th T a substitute for filing (B) RESIDENCE: (C	ne pa g an a	tent. If an assignee sssignment. and STATE OR CO	UNT	RY)		
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_ ~ .	tus (from status indicated s SMALL ENT1TY statu	*	☐ b. Applicant is no	long	er claiming SMALL	ENT	TTV status See 37 CE	D 1 270	a)(2)
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10/574,554	10/574,554 04/03/2006 Leonardo De Maria		10508.204-US	9304		
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NOVOZYMES N	ORTH AMERICA,	MOORE, WILLIAM W				
500 FIFTH AVEN	UE		ART UNIT	PAPER NUMBER		
SUITE 1600 NEW YORK, NY 10110			1656 DATE MAILED: 07/29/2010			

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 693 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 693 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

	Application No.	Applicant(s)		
	10/574,554	DE MARIA ET AL.		
Notice of Allowability	Examiner	Art Unit		
	WILLIAM W. MOORE	1656		
The MAILING DATE of this communication appeal all claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R	(OR REMAINS) CLOSED in this ap or other appropriate communication IGHTS. This application is subject to 3 and MPEP 1308.	plication. If not included n will be mailed in due course. THIS o withdrawal from issue at the initiative		
1. This communication is responsive to the amendment filed	2 June 2010 and the interview cond	lucted 23 July 2010.		
2. The allowed claim(s) is/are <u>38-86</u> .				
 Acknowledgment is made of a claim for foreign priority unally All b) ☐ Some* c) ☐ None of the: 1. ☐ Certified copies of the priority documents have 2. ☐ Certified copies of the priority documents have 3. ☒ Copies of the certified copies of the priority do International Bureau (PCT Rule 17.2(a)). * Certified copies not received: 	e been received. e been received in Application No			
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONN THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		complying with the requirements		
 A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which give 				
5. CORRECTED DRAWINGS (as "replacement sheets") mus		0.00		
(a) ☐ including changes required by the Notice of Draftspers	· · · · · · · · · · · · · · · · · · ·	-948) attached		
 1) ☐ hereto or 2) ☐ to Paper No./Mail Date (b) ☐ including changes required by the attached Examiner's Paper No./Mail Date 		Office action of		
Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in t				
DEPOSIT OF and/or INFORMATION about the depo attached Examiner's comment regarding REQUIREMENT	sit of BIOLOGICAL MATERIAL	must be submitted. Note the		
Attachment(s) 1. ☐ Notice of References Cited (PTO-892)	5. Notice of Informal F			
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 6. ☐ Interview Summary (PTO-413), Paper No./Mail Date				
3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 20100604	7. 🛛 Examiner's Amend			
4. Examiner's Comment Regarding Requirement for Deposit	8. 🛛 Examiner's Statem	ent of Reasons for Allowance		
of Biological Material	9. ☑ Other <u>replacement ABSTRACT</u> .			
/William W. Moore/ Examiner, Art Unit 1656				

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EXAMINER'S AMENDMENT

Page 2

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. All of the claims allowed herein, whether or not amended, are included below to assist the printer.

A substitute ABSTRACT is provided at page 8 of this communication.

Delete claim 87.

Amend claims 38, 53, 70, 76, 79-81, and 85 thus:

Claim 38. (Amended) An isolated A variant of a parent protease, comprising a substitution in at least one position selected from the group consisting of:

78-81; 83-100; <u>83-86; 88-100;</u> 103-106; 111-114; and 118-131; wherein

- (a) the variant has a sequence identity to the sequence of amino acids 1 to 188 of SEQ
- ID NO:2 of at least 90% but less than 100%;
- (b) the variant has protease activity; and
- (c) each position corresponds to a position of amino acids 1 to 188 of SEQ ID NO:2.
- Claim 39. The variant of claim 38, which has a sequence identity to the sequence of amino acids 1 to 188 of SEQ ID NO:2 of at least 92%.
- Claim 40. The variant of claim 38, which has a sequence identity to the sequence of amino acids 1 to 188 of SEQ ID NO:2 of at least 94%.
- Claim 41. The variant of claim 38, which has a sequence identity to the sequence of amino acids 1 to 188 of SEQ ID NO:2 of at least 95%.
- Claim 42. The variant of claim 38, which has a sequence identity to the sequence of amino acids 1 to 188 of SEQ ID NO:2 of at least 96%.
- Claim 43. The variant of claim 38, which has a sequence identity to the sequence of amino acids 1 to 188 of SEQ ID NO:2 of at least 97%.
- Claim 44. The variant of claim 38, which has a sequence identity to the sequence of amino acids 1 to 188 of SEQ ID NO:2 of at least 98%.
- Claim 45. The variant of claim 38, which comprises a substitution at position 78.
- Claim 46. The variant of claim 38, which comprises a substitution at position 79.
- Claim 47. The variant of claim 38, which comprises a substitution at position 80.

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- Claim 48. The variant of claim 38, which comprises a substitution at position 81.
- Claim 49. The variant of claim 38, which comprises a substitution at position 83.
- Claim 50. The variant of claim 38, which comprises a substitution at position 84.
- Claim 51. The variant of claim 38, which comprises a substitution at position 85.
- Claim 52. The variant of claim 38, which comprises a substitution at position 86.
- Claim 53. The variant of claim 38, which <u>further</u> comprises a substitution at position 87 <u>selected</u> <u>from the group consisting of T87A, T87C, T87D, T87E, T87F, T87G, T87H, T87I, T87K, T87L, T87M, T87N, T87P, T87Q, T87R, T87S, T87V, T87W, and T87Y.</u>
- Claim 54. The variant of claim 38, which comprises a substitution at position 88.
- Claim 55. The variant of claim 38, which comprises a substitution at position 89.
- Claim 56. The variant of claim 38, which comprises a substitution at position 90.
- Claim 57. The variant of claim 38, which comprises a substitution at position 92.
- Claim 58. The variant of claim 38, which comprises a substitution at position 93.
- Claim 59. The variant of claim 38, which comprises a substitution at position 94.
- Claim 60. The variant of claim 38, which comprises a substitution at position 95.
- Claim 61. The variant of claim 38, which comprises a substitution at position 96.
- Claim 62. The variant of claim 38, which comprises a substitution at position 97.
- Claim 63. The variant of claim 38, which comprises a substitution at position 98.
- Claim 64. The variant of claim 38, which comprises a substitution at position 99.
- Claim 65. The variant of claim 38, which comprises a substitution at position 103.
- Claim 66. The variant of claim 38, which comprises a substitution at position 105.
- Claim 67. The variant of claim 38, which comprises a substitution at position 106.
- Claim 68. The variant of claim 38, which comprises a substitution at position 111.
- Claim 69. The variant of claim 38, which comprises a substitution at position 113.
- Claim 70. (Amended) The variant of claim 38, which comprises at least one of the following substitutions:
 - 78A, C, D, E, F, G, H, I, K, L, M, N, P, Q, R, T, V, W, Y;
 - 79A, C, D, E, F, G, H, I, K, L, M, N, P, Q, S, T, V, W, Y;
 - 80A, C, D, E, F, G, H, I, K, L, M, N, P, Q, R, S, T, V, W;
 - 81A, C, D, E, F, G, H, I, K, L, M, P, Q, R, S, T, V, W, Y;
 - 83A, C, D, E, F, H, I, K, L, M, N, P, Q, R, S, T, V, W, Y;

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84A, C, D, E, F, H, I, K, L, M, N, P, Q, R, S, T, V, W, Y;
85A, C, D, E, F, G, H, I, K, L, M, N, P, Q, R, S, T, V, W;
86C, D, E, F, G, H, I, K, L, M, N, P, R, S, T, V, W, Y;
87A, C, D, E, F, G, H, I, K, L, M, N, P, Q, R, V, W, Y;
88A, C, D, E, F, G, H, I, K, L, M, N, P, Q, R, S, T, W, Y;
89C, D, E, F, G, H, I, K, L, M, N, P, Q, R, V, W, Y;
90A, C, D, E, F, H, I, K, L, M, N, P, Q, R, S, T, V, W, Y;
92P, R, K;
93P;
94C, P;
95E, D;
96E, D, P;
97R, K;
98P;
99R, K;
103C;
105C, P;
106C;
111R, K; and/or and
113E, D.
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- Claim 71. The variant of claim 38, which comprises at least one of the following pairs of substitutions: 6C+103C; 8C+105C; 76C+85C; 94C+149C; and/or 106C+141C.
- Claim 72. The variant of claim 38, which comprises at least one of the following substitutions: 81P; 92P; 93P; 94P; 96P; 98P; 105P; and/or 125P.
- Claim 73. The variant of claim 38, which comprises at least one of the following substitutions: 81E, D; 84E, D; 89E, D; 95E, D; 96E, D; 113E, D; 120E, D; 129E, D; and/or 130E, D.
- Claim 74. The variant of claim 38, which comprises at least one of the following substitutions: 92R, K; 97R, K; 99R, K; 111R, K; 118R, K; 122R, K; 124R, K; and/or 127R, K.
- Claim 75. The variant of claim 38, which comprises at least one of the following substitutions: 81P; 84D, E; 85C; 92P, R, K; 93P; 94C, P; 95E, D; 96E, D, P; 97R, K; 98P; 103C; 105C, P; 106C; 122R, K; 124R, K; and/or 127R, K.
- Claim 76. (Amended) The variant of claim 38, which comprises at least one of the following substitutions:

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S78A, C, D, E, F, G, H, I, K, L, M, N, P, Q, R, T, V, W, Y;
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R79A, C, D, E, F, G, H, I, K, L, M, N, P, Q, S, T, V, W, Y;
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Y80A, C, D, E, F, G, H, I, K, L, M, N, P, Q, R, S, T, V, W;

N81A, C, D, E, F, G, H, I, K, L, M, P, Q, R, S, T, V, W, Y;

G83A, C, D, E, F, H, I, K, L, M, N, P, Q, R, S, T, V, W, Y;

G84A, C, D, E, F, H, I, K, L, M, N, P, Q, R, S, T, V, W, Y;

Y85A, C, D, E, F, G, H, I, K, L, M, N, P, Q, R, S, T, V, W;

A86C, D, E, F, G, H, I, K, L, M, N, P, Q, R, S, T, V, W, Y;

T87A, C, D, E, F, G, H, I, K, L, M, N, P, Q, R, S, V, W, Y;

V88A, C, D, E, F, G, H, I, K, L, M, N, P, Q, R, S, T, W, Y;

A89C, D, E, F, G, H, I, K, L, M, N, P, Q, R, S, T, V, W, Y;

G90A, C, D, E, F, H, I, K, L, M, N, P, Q, R, S, T, V, W, Y;

H91T, S;

N92P, R, K, S;

Q93P;

A94C, P;

P95A, E, D;

196A, E, D, P;

G97R, K;

S98P;

S99A, Q, R, K;

V100**I**;

S103C;

S105C, P;

T106C;

C111R, K;

T113E, D;

I114V;

G118N, R, K;

S120T, E, D;

S122R, K;

P124R, K;

E125P, Q;

T127R, K;

T129E, D, Y, Q;

N130E, D; and/or

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M131L.

- Claim 77. A detergent composition comprising a variant of claim 38 and a surfactant.
- Claim 78. An animal feed additive comprising at least one variant of claim 38, and
 - (a) at least one fat soluble vitamin;
 - (b) at least one water soluble vitamin; and/or
 - (c) at least one trace mineral.
- Claim 79. (Amended) An animal feed composition having a crude protein content of 50 to 800 g/kg and comprising <u>a</u> the variant of claim 38.
- Claim 80. (Amended) A method for improving the nutritional value of an animal feed <u>comprising</u> <u>at least one protein</u>, comprising adding a variant of claim 38 <u>to the animal feed in an</u> <u>amount adequate for improving the nutritional value of the animal feed</u>.
- Claim 81. (Amended) A method for the <u>proteolytic</u> treatment of proteins, comprising

 (a) adding a variant of claim 38 to a composition comprising proteins; and

 (b) incubating the composition and variant for a time sufficient for treating proteins in the composition.
- Claim 82. An isolated nucleic acid sequence comprising a nucleic acid sequence which encodes a variant of claim 38.
- Claim 83. A nucleic acid construct comprising the nucleic acid sequence of claim 82 operably linked to one or more control sequences that direct the production of the variant in a suitable expression host.
- Claim 84. A recombinant expression vector comprising the nucleic acid construct of claim 83.
- Claim 85. (Amended) An isolated ♠ recombinant host cell comprising the nucleic acid construct of claim 83.
- Claim 86. A method for producing a variant having protease activity, comprising:
 - (a) cultivating the host cell of claim 85 to produce a supernatant comprising the variant; and
 - (b) recovering the variant.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Elias J. Lambiris on 23 July 2010.

The following is an examiner's statement of reasons for allowance:

Claims 38, 53, 70, and 76 are amended above to avoid double patenting issues regarding otherwise conflicting subject matters of claims Sjøholm et al., **US** 6,855,548, and Oestergaard et al., **US** 7,588,926. Claims 38 and 84 are amended to describe statutory subject matter, caim 79

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is amended to correct an informality, claim 80 is amended to state a complete method by incorporating elements of the disclosure at pages 27 and 28 of the specification and claim 81 is amended to state a complete method by incorporating elements of the disclosure at pages 40 and 41 of the specification, thus claims 38-86 as amended above are allowed herewith.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William W. Moore whose telephone number is 571.272.0933 and whose FAX number is 571.273.0933. The examiner can normally be reached Monday through Friday between 9:00AM and 5:30PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisory Primary Examiner, Manjunath Rao, can be reached at 571.272.0939. The official FAX number for all communications for the organization where this application or proceeding is assigned is 571.273.8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571.272.1600.

/William W. Moore/ Examiner, Art Unit 1656

/David J. Steadman/ Primary Examiner, Art Unit 1656 Application/Control Number: 10/574,554 Page 8

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ABSTRACT

The invention relates to a novel 3D structure determined for a *Nocardiopsis* protease, as well as to variants of parent protease homologous to *Nocardiopsis* proteases, preferably of improved thermostability and/or with an altered temperature activity profile. The invention also relates to DNA sequences encoding such variants, their production in a recombinant host cell, as well as methods of using the variants, in particular within the field of animal feed and detergents. The invention further relates to methods of generating and preparing protease variants having different properties.